



# COMMONWEALTH of VIRGINIA

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Dr. Patricia I. Wright.  
Superintendent of Public Instruction  
Department of Education  
Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Regulations Governing Public Participation (8 VAC 20-11-10 *et seq.*)**

Dear Dr. Wright:

You ask whether the Board of Education possesses the requisite authority to amend the above-referenced regulations.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. In addition, Chapters 321 and 575 of the 2008 Acts of Assembly require the adoption of public participation guidelines consistent with model guidelines developed under the legislation. Under the same legislation, these regulations may be adopted under the fast-track procedures pursuant to § 2.2-4012.1 of the Code. Accordingly, it is my view that the Board possesses the requisite authority to adopt and amend the above-referenced regulations.

The foregoing represents my personal view and is not an official opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Yours truly,

Deborah A. Love  
Senior Assistant Attorney General